

**City Council Building
Chattanooga, Tennessee
November 14, 2000**

Chairman Hakeem called the meeting of the Chattanooga Council to order with Councilmen Franklin, Hurley, Lively, Pierce and Rutherford present; Councilman Crockett was out of the city; Councilmen Eaves and Taylor were absent due to personal commitment. City Attorney Randall Nelson, Management Analyst Randy Burns, and Council Clerk Carol O'Neal, CMC, were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Lively gave invocation.

MINUTE APPROVAL

On motion of Councilman Lively, seconded by Councilwoman Hurley, the minutes of the previous meeting were approved as published and signed in open meeting.

CLOSE AND ABANDON

2000-199: Mary and Kenneth Quarles

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,
**AN ORDINANCE CLOSING AND ABANDONING AN OPEN ALLEY
BETWEEN 32ND AND 34TH STREETS PARALLEL TO CALHOUN AVENUE AND
ROSSVILLE BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN AND
AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

passed second reading. On motion of Councilman Franklin, seconded by Councilwoman Hurley, the Ordinance passed third and final reading and was signed in open meeting.

CLOSE AND ABANDON

2000-205: City of Chattanooga

On motion of Councilman Lively, seconded by Councilwoman Hurley,
AN ORDINANCE CLOSING AND ABANDONING AN OPENED SECTION OF LINDSAY STREET BEGINNING AT THE INTERSECTION OF LINDSAY STREET AND KARR STREET AND EXTENDING SOUTHWARD SOME 140 FEET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

passed second reading. On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the Ordinance passed third and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 16, SO AS TO ADD A NEW SECTION 16-28, ENTITLED "OBSTACLES AROUND FIRE HYDRANTS."

passed second reading. On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the Ordinance passed third and final reading and was signed in open meeting.

REZONING

2000-212: Boyd Sharp and Jane Bell Sharp

Councilman Franklin made the motion to move Ordinance 6(l) forward on the agenda; Councilwoman Hurley seconded the motion; the motion carried.

Pursuant to notice of public hearing, the request of Boyd Sharp and Jane Bell Sharp to rezone a tract of land located at 5564 Dayton Boulevard came on to be heard.

The applicant was present; there was no opposition.

REZONING (Continued)

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 5564 DAYTON BOULEVARD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE**
passed first reading.

CLOSE AND ABANDON

2000-189: Provident Life & Accident Insurance Company/Richard Meadows

The applicant was present; there was no opposition.

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,
**AN ORDINANCE CLOSING AND ABANDONING THE 400 AND 500
BLOCKS OF WALNUT STREET AND THE 100 AND 200 BLOCKS OF EAST
5TH STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN
ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

REZONING

2000-192: Peter Alden Gibson

Pursuant to notice of public hearing the request of Peter Alden Gibson to rezone a tract of land located in the 600 block of West Bell Avenue came on to be heard.

The applicant was present; there was no opposition.

Chairman Hakeem indicated that Councilman Taylor has requested that this matter be tabled for two weeks. He stated Councilman Taylor's absence tonight is due to his being in Nashville. The applicant expressed agreement in tabling the matter two weeks.

REZONING (Continued)

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED IN THE 600 BLOCK OF WEST BELL AVENUE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE**
was tabled two weeks.

REZONING

2000-194: Harley Ray Smith & Ray Alan Smith

Pursuant to notice of public hearing the request of Harley Ray Smith & Ray Alan Smith to rezone attract of land located at 328 Browns Ferry Road came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilman Lively, seconded by Councilwoman Hurley,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6858, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 328 BROWNS FERRY ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-4 SPECIAL
ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

REZONING

2000-196: Frances G. Bolen

Pursuant to notice of public hearing the request of Frances G. Bolen to rezone a tract of land located at 1419 Williams Street came on to be heard.

The applicant was present; there was no opposition.

REZONING (Continued)

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 1419 WILLIAMS STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3
CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

REZONING

2000-197: Chattanooga Neighborhood Enterprise

Pursuant to notice of public hearing, the request of Chattanooga Neighborhood Enterprise to rezone a tract of land located in the 1800 block of Cowart Street and Williams Street, came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED IN THE 1800 BLOCK OF COWART STREET AND
WILLIAMS STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1
MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO
CERTAIN CONDITIONS**
passed first reading.

REZONING

2000-198: Chattanooga Neighborhood Enterprise

Pursuant to notice of public hearing, the request of Chattanooga Neighborhood Enterprise to rezone a tract of land located in the 1800 block of Cowart Street and Williams Street, came on to be heard.

The applicant was present; there was no opposition.

REZONING (Continued)

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED IN THE 1800 BLOCK OF COWART STREET AND
WILLIAMS STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1
MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO
CERTAIN CONDITIONS**
passed first reading.

REZONING

2000-207: James C. Johnson

Pursuant to notice of public hearing, the request of James C. Johnson to rezone a tract of land located at 6421 Bonny Oaks Drive came on to be heard.

The applicant was present; there was no opposition.

Jerry Pace stated that this request is located in the Bonny Oaks area near the Volunteer Army Ammunition Plant (VAAP). He stated there are presently two cases involving this; that the Ordinance following this one requests that conditions be lifted. He stated this request is for the M-3 zone running from Bonny Oaks along Basswood Drive; that the Planning Commission made the recommendation that the front 30 feet be rezoned to M-3 and the remaining portion remain as R-3. He stated there is a stable, nice neighborhood along Basswood Drive with shrubbery and trees, which acts as a buffer. He stated the Planning Commission and Staff recommend that the first 30 feet be rezoned M-3.

Councilman Franklin asked if there has been any conversation with the residents in the Basswood-Washington Hills areas?

Mr. Pace responded "no"; that he has not had any contact or heard from them.

Councilman Franklin made the motion to approve the matter on first reading and have opportunity to discuss the matter with the residents of the area in the event there are any questions prior to approval on second and third reading.

REZONING (Continued)

Councilwoman Hurley asked the applicant if he was in agreement with this. The applicant responded "yes".

On motion of Councilman Franklin, seconded by Councilwoman Hurley,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 6421 BONNY OAKS DRIVE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO M-3 WAREHOUSE
AND WHOLESALE ZONE**

passed first reading.

LIFT CERTAIN CONDITIONS

2000-208: James C. Johnson

Pursuant to notice of public hearing, the request of James C. Johnson to lift conditions imposed in Ordinance No. 10158 on property located at 6421 Bonny Oaks Drive came on to be heard.

Mr. Pace stated this is a separate parcel from the previous request. He stated the Staff and Planning Commission recommend approval in lifting conditions 2 and 3.

On motion of Councilman Pierce, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO LIFT CERTAIN
CONDITIONS IMPOSED IN ORDINANCE NO. 10158 ON PROPERTY
LOCATED AT 6421 BONNY OAKS DRIVE, BEING MORE PARTICULARLY
DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

REZONING

2000-209: Nancy & James Anderson

Pursuant to notice of public hearing, the request of Nancy & James Anderson to rezone a tract of land located at 1444 Ely Road came on to be heard.

The applicant was present; considerable opposition was in attendance.

REZONING (Continued)

Mr. Pace stated that this request is located along Ely Road and Bagwell in Hixson. He stated the surrounding area is single family residential with some O-1 behind this site. He stated both the Staff and Planning Commission recommend approval.

Nancy Anderson stated that she owns the property in question and expressed that she challenges the petition that was signed, as there are duplexes in the area; that 90% of the property in the area is commercial and rental.

Landon Howard of 1519 Ely Road served as spokesman and presented a petition signed by persons in opposition. He stated that they do not want their property and improvements that have been made to become devalued by allowing duplexes or multiunit housing in their neighborhood, nor do they need any additional traffic. He stated young families have moved into the area in recent years and all have invested thousands of dollars and incurred significant debt to make their neighborhood a better place to live. He stated there are many children in the neighborhood and do not want the composition of the neighborhood to change; that one multiunit housing property could begin a trend and destroy all their efforts to revitalize their neighborhood. He urged the Council to deny the request.

Pratt Braswell stated that he lives two doors from Mr. Landon and has also invested thousands of dollars in his home; that both moved to the area in 1992. He stated he has spent many, many hours of time improving his property and the thought of having rental property directly across the street would undo everything they have done. He asked the Council to deny the request.

Ms. Anderson stated that she has invested thousands of dollars and many hours of work in this property, just as the other residents. She indicated the property is worth an amount in the \$90,000's and that she is not an absentee landlord.

Councilwoman Hurley stated that she was present at the Planning Commission meeting when this matter was heard and expressed support for the neighbors.

On motion of Councilwoman Hurley, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 1444 ELY ROAD, MORE PARTICULARLY DESCRIBED
HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE
was denied.**

REZONING

2000-210: Wisdom Group, LLC

Pursuant to notice of public hearing, the request of the Wisdom Group, LLC to rezone a tract of land located in the 1300 block of Wisdom Street came on to be heard.

The applicant was present; opposition was in attendance.

Mr. Pace stated this request is for the M-4 zone for a Cement Ready-Mix plant; that the M-4 zone calls for the use to be 1,000 feet from any commercial or residential zone, which the applicant did not meet when the request was submitted; that the property was re-subdivided and platted to get the 1,000 feet setback. He stated even though the area is all M-1 there is a large residential neighborhood located within the (M-1) zone and there was a meeting with the neighbors to work out a solution to their problems. He stated the Staff and Planning Commission recommend approval with the condition of submission of a site plan, which they have done.

Chairman Hakeem stated that it is his understanding there is additional information from Public Works.

Mr. Pace expressed that he was not sure; that the applicant has informed him that they have documentation from the Corps of Engineers that shows that the wetlands are outside of the boundary. He stated that the facility's entrance road could be moved to the west of the neighborhood in an effort to move it from the residents.

Pryor Bacon, of Wisdom Group LLC, stated that they have met all the requirements for rezoning; that they met with the property owners on two occasions where questions were answered and the traffic situation addressed. He stated the development would not add any more traffic to the road.

At this point Councilwoman Rutherford made the motion to approve the request. Chairman Hakeem indicated that those in opposition have not had an opportunity speak.

REZONING (Continued)

Christy Cooley stated that she lives in the neighborhood and that other neighbors are closer to the property. She stated traffic is a concern and she would like for Traffic Engineering to do a study to see how heavy the traffic is on Wisdom Street. She stated that it was stated at their last meeting that another light at Latta Street and Amnicola has been installed. She stated that school children stand at the intersection right where they want to put their driveway, which is where they catch the bus. She stated the widening of Wisdom Street is another issue and is very heavily traveled; that pollution questions were answered. She proposed that a test of existing emissions be conducted, as well as testing those that will be emitted from the cement plant.

Lorraine Steger stated that she has an existing R-4 zone in the area (day care), which is right in front of the facility. She expressed concern regarding the pollutants and the by-products from the dust that will be emitted from the trucks. She stated her main concern has to do with the traffic this will create, especially at Wisdom Street where wrecks happen frequently, indicating that an accident occurred as recently as last Wednesday. She stated that she would like to see the Traffic Engineer look at the traffic problem in the area as it relates to heavy trucks.

Bessie Smith stated when the street is watered down for the asphalt, all of that will go into their yards and it will mess up the street with all the traffic and mud; that there will be a lot of dust when it dries. She stated this would create a problem for them; that she has lived in her house for 26 years and knows things will change. She stated residents in the area would appreciate it if they could take their business somewhere else so their community can remain the same.

Pryor Bacon stated their only rebuttal has to do with the traffic issue. He stated it is his understanding that the M-1 zone, as it is now, can be developed as a truck terminal and the traffic issue is a moot point. He stated with respect to the pollutants, it is felt they addressed that issue at the second meeting; that people from Air Pollution established that they would be operating within the laws that exist.

Chairman Hakeem stated in regard to safety and the M-1 zone as it presently is, it has been stated that the roads are not adequate or sufficient for a trucking company. He asked if the City plans to rebuild the road?

REZONING (Continued)

Admin. Marcellis stated that he did not remember that it was said the road was not adequate for a trucking company; that the trucking company can go in now in the M-1 zone. He stated the Traffic Engineer has the philosophy that the development will add traffic; that the M-1 traffic should be as heavy as the M-4. He stated the road has had three resurfacings and there must be by now eight-to-twelve inches of asphalt, which should be quite heavy enough to handle the truck traffic of the cement trucks going in-and-out, and adequate for a freight depot if that was going in. He stated the roadway is thick enough; that it is a two-lane roadway.

Chairman Hakeem stated the question raised by the residents in regard to heavy rain and the flooding that occurs, he questioned the safety of the roads, especially when children are present.

Admin. Marcellis stated as mentioned earlier there is a controversy with the wetlands; that there could end up being some flooding in the lowlands; that the Corps of Engineers would have to comment. He stated their interpretation indicates a good portion of the development is in the wetlands; that they have some strong evidence from the Corps of Engineers that by the time the building permit comes, if they are in the wetlands they will have to deal with that if the Council approves the M-4 zone. He stated right now it is his belief that it is in part of the wetlands and would have a problem developing there.

Councilwoman Rutherford stated that she wanted to make sure she understood and clarified that as the property is zoned now, a trucking company can go there and there is nothing anyone can do to stop it. Admin. Marcellis responded "correct"; that there are several M-1-type applications.

Councilwoman Rutherford inquired as to the other applications for the M-1 zone. Mr. Pace responded that the zone has to be 1,000 feet from the nearest commercial and residential zone; that virtually anything can go in the M-1, including a blast furnace, coal screening or junk yard, reiterating that it has to be 1,000 feet from a commercial or residential zone.

Councilwoman Rutherford stated that her question had been answered and asked if she understood that the Planning Agency and Staff recommends approval of this request? Mr. Pace responded "yes".

REZONING (Continued)

Mr. Bacon stated that the delineation from the Corps of Engineers was established at a contour line differential between the wetland and upland area; that there is also basically a differential between the 500-year flood zone and the 100-year flood zone. He stated the wetland is in the 100-year flood zone and the area of property subdivided; that the portion they are asking for rezoning is in the 500-year flood zone.

Chairman Hakeem suggested that the flood zone referenced by Mr. Bacon would have to be verified with Admin. Marcellis if this is approved in any form. Mr. Bacon assured Chairman Hakeem and the Council that the owner would not want to purchase a wetland, as it is a liability.

Councilman Pierce asked if the wetland has any bearing on what has been discussed as being developed on the property, whether it can be developed in the M-1 zone as the property is presently zoned? Mr. Pace responded "no"; that it cannot be developed in a wetland.

Chairman Hakeem stated that we are talking about a piece of property that is zoned commercial in a residential neighborhood where the neighbors are being totally imposed upon because the property is zoned in this manner. He stated that it is his belief the foundation of this community are the residents who pay taxes to live in the neighborhood; that some accommodation should be considered in regard to them. He stated there is a concern, also, that since we have the new traffic light at Latta Street that more trucks will come through the neighborhood, which is of great concern. He asked Mr. Bacon if any consideration could be given to moving the road? Mr. Bacon responded that consideration could be given.

Chairman Hakeem restated his question and asked if Mr. Bacon would consider moving the road close to Wisdom Street, as has been outlined by Mr. Pace? Mr. Pace stated that would be closer to Freeman Street, going toward Amnicola.

Chairman Hakeem stated that he is of the opinion that the community is being totally imposed upon; that persons living there have made an investment and there are problems with some persons in regard to asthma who live in the area. He stated the applicants are talking about putting a road in between the families who have asthmatic problems and he (Hakeem) questions the Council approving something like this with no consideration to people who have invested.

REZONING (Continued)

Mr. Bacon stated that he respects Councilman Hakeem's comments; that the way they have proposed this development is to put a road in the middle; that there will be auction tomorrow that would auction off the one-acre lots if they are allowed to do so. He stated the owner of the house at the corner of Wood Avenue has called them to purchase the property for commercial use. He stated some of the persons present have stated they wanted to sell out to a commercial use. He stated he could not answer Councilman Hakeem's question without conferring with Mr. Herron, who is purchasing the property. He stated they do not feel that this is the best end use of that property; that it is what they feel from a real estate perspective as what is needed.

Chairman Hakeem suggested that Mr. Bacon confer with Mr. Herron to move the road; that he does not think it should be taken for granted in regard to the road being concrete or whatever or wetting tires; that this could be incorporated as a condition.

Mr. Bacon stated that he takes it for granted that they are going to build a concrete road. Chairman Hakeem stated that that could be made a part of the conditions if it is appropriate; that there will be no dirt road and no gravel.

Mr. Bacon clarified that he is being asked to confer with Mr. Herron to talk about moving the road to the other side. Chairman Hakeem requested that the road be moved further toward the west. (At this point Messrs. Bacon and Herron asked if it was okay for them to discuss the matter in the lobby and left the Assembly Room to confer.)

Councilwoman Rutherford asked if they do not want to move the road will the Council vote on it? Chairman Hakeem stated that the matter might be up to the Council; that the Council makes that decision.

Councilwoman Rutherford stated that she has not made a decision, yet; that Chairman Hakeem told them they have to move the road and the Council did not vote on that. She reiterated that she is not ready; that if it comes to a vote as it is now, she is ready to vote, or if five Council members say they are ready to vote she is ready to vote. She stated she did not hear five Council members say that the road has to be moved.

REZONING (Continued)

Councilman Pierce stated that it is his thinking that they were asked to "consider" (moving the road).

Councilwoman Rutherford stated that they are under the impression they are making a decision now; that if they do not agree to it we are not going to rezone and that is not where she is "coming from".

Councilman Pierce stated discussion of this matter is out of order; that they asked to go outside and the matter has been moved until they return.

Councilwoman Rutherford stated that they should know one person on this Council does not think they have to move the road before we vote on it; that she does not think five said the road had to be moved.

Councilwoman Hurley stated that we are just "seeing" what they are willing to do, whether they are willing to do that or not. She stated all would vote when someone makes the motion; that the Council fairly routinely places conditions on motions and that is all we are exploring.

Councilwoman Rutherford stated that she has no problem with conditions to a motion; that she has never, in her eight years on the Council, seen the Council tell an applicant to go out into the lobby and see if they are willing to do something on the word of one Council person. She stated that it is her thinking they should understand they do not have to do what they were told to do.

Chairman Hakeem stated this Council has imposed conditions and asked persons to give consideration; that maybe the fact that no other person had opposed or objected to his comments is the consensus that five persons were in accord.

Councilwoman Rutherford stated that the Council has never sent an applicant out. Chairman Hakeem indicated that he did not send them out; they asked to go out.

Councilwoman Rutherford stated that they were told they had to consult with each other. Councilwoman Hurley reiterated that they asked to go out.

REZONING (Continued)

Councilman Pierce stated in the discussion with the applicant it was expressed that he did not know what his client would accept and as a result of that the opportunity was given for them to go out and discuss it and see if they are willing to accept. He stated that he does not think any Council person said which way they would vote, "yay" or "nay", as no previous motion was made. He stated at this point he did not see that anything is out of order when the applicant plainly stated that he did not know what his client would accept and asked for an opportunity to talk with him. He suggested that the Council move on with the agenda.

(After the Council completed the remainder of the agenda, discussion once again focused on the request by Wisdom Group, LLC.)

Mr. Bacon stated if he understood the question as to whether they would consider moving the road to the west end of this property, the answer is "yes"; that he would like to say that Mr. Herron has equipment purchased and would like to move forward. He stated that it is felt that an extension of Wood Avenue is what would best suit this particular piece of property, but the answer is "yes".

Chairman Hakeem stated the texture of the road was also discussed. Mr. Bacon stated that Mr. Herron is in the concrete business and concrete is appropriate for the road. He stated Mr. Herron would like to build the road and will need some extension of time to build it.

Sky Herron stated that they are interested in being a good neighbor; that they are responsible and hope to join the folks in the neighborhood if there is a problem; that they would like to work with them and offer support. He stated they will go to a good deal more expense to build another road and they are willing to do that to assist in helping to say that they will work with the neighborhood. He stated they would like to have an opportunity to build a road and have gravel a year to 18 months for time to be in operation and then pave the road with concrete out of their plant. He stated there is a tremendous start-up to the plant and cash flow issues; that they would like to begin paving the road in sections. He stated there are opportunities when the business slows down to utilize the time to work on the road.

Chairman Hakeem inquired as to the time line. Mr. Herron stated it would take a year up to 18 months to build a concrete surface.

REZONING (Continued)

Chairman Hakeem asked if this is a normal time line? Admin. Marcellis stated normally the roadway is paved on opening day for any other business in the City; that this is the Council's decision. He stated there is obviously some rock and dust and it depends upon if they can keep it wet enough to keep the dust down.

Mr. Herron stated upon opening they would offer to pave 100 feet from Wisdom Street to help control the dust problem and keep rock from rolling onto the street.

Chairman Hakeem stated 100 feet has been spoken of; that in previous discussion the attempt was to convey that the community has to be considered. He stated that he is hopeful that with the first 100 feet and gravel from the west end, that within 18 months it will be complete. He stated he is more inclined to have it completed up to a year after the first 100 feet.

Councilman Pierce expressed appreciation for what Councilman Hakeem is trying to do for the community; that it is his thinking this is a "give and take" situation. He stated they have the zoning in place and they have compromised to relocate the road; that he does not think it is out of the ordinary to try to work with them in the community. He stated we cannot always accomplish everything we want and honestly could support 18 months since they are willing to come back and do the first 100 feet prior to moving in.

Chairman Hakeem expressed his acceptance, as well.

Councilwoman Rutherford stated since they have agreed to move the road and since none on the Council are Traffic Engineers, why could we not leave the location of the road up to the Traffic Engineering Department:

Chairman Hakeem stated that the recommendation he supports has been put forth at this time, which is moving the road to the west end of the property with 100 feet being paved when the business is opened with the balance being completed within 18 months.

Councilwoman Rutherford asked if the location of the road came from a recommendation from the Traffic Engineering Department?

REZONING (Continued)

Chairman Hakeem stated Traffic Engineering has been out to look at it and they really did not have a recommendation.

Admin. Marcellis stated that he did not think they did, either; that to have two key intersections is safer than having a cross intersection.

Chairman Hakeem asked if it is appropriate to say the alternative regarding the road to the west end came from the Planning Agency? Mr. Pace responded "yes"; that he conferred with Eric in Traffic Engineering regarding the location, who thought it would work.

Chairman Hakeem stated there are residents on both sides of Wood Avenue with asthmatic problems, as well as children in the area. He stated it is hoped this would be beneficial to both.

Councilman Pierce made the motion to accept the applicant's request that the road be relocated, with the first 100 feet paved and within 18 months the rest of the road will be paved, along with keeping the graveled part watered down for the neighborhood.

On motion of Councilman Pierce, seconded by Councilman Lively,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 1300 BLOCK OF WISDOM STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO M-4 OUTDOOR INDUSTRIAL USE ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

2000-211: Michael Mirabella

Pursuant to notice of public hearing, the request of Michael Mirabella to rezone at tract of land located in the 2200 block of Wilder Street came on to be heard.

The applicant was present; there was no opposition.

REZONING (Continued)

Chairman Hakeem asked if this property is being considered for use as a day care? The applicant responded "no".

Mr. Pace stated that the property is located in East Chattanooga along Wilder and Dodson Avenue. He stated the zoning along Dodson is presently M-1 with R-2 surrounding on the east, west and north. He stated the recommendation from the Staff and Planning Commission is for approval.

On motion of Councilwoman Hurley, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED IN THE 2200 BLOCK OF WILDER STREET, MORE
PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING
ZONE TO R-2 RESIDENTIAL ZONE**

passed first reading.

REZONING

2000-213: Myrtle Layde Montgomery and George Foster

Pursuant to notice of public hearing, the request of Myrtle Layde Montgomery and George Foster to rezone a tract of land located at 5913 Clark Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request is in the Shepherd area along the Airport Connector and Clark Road. He stated uses and zoning in the area is generally commercial spot zoning with an R-1 residential, single-family zone to the west and east. He stated a Neighborhood Plan was adopted for the Shepherd area several years ago; that both the Staff and Planning Commission recommend denial.

Atty. George Foster stated that this is not a spot zoning; that it is true that it is next to an area that is residential. He displayed a drawing of the proposed shop and stated this is a reasonable proposition and does not extend into the residential area. He expressed that he would be retiring next year and this would make for a lovely retirement; that this is a good thing! He stated he handled zoning for many years and understands what a recommendation for denial does. He stated this is legitimate and will not hurt anybody.

REZONING (Continued)

Councilman Franklin expressed understanding of Mr. Foster's plight; that under normal circumstances this would be a good deal, however, there is an established Neighborhood Plan in existence for this area. He stated that he has had experience with zoning, as well, and based on the Staff and Planning Commission's recommendation and in consultation with the Neighborhood Association they are very rigid on any type of development other than what is specified in the plan. At this point he made the motion to deny the request.

On motion of Councilman Franklin, seconded by Councilman Pierce,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 5913 CLARK ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO M-1
MANUFACTURING ZONE**

was denied.

**AMEND ZONING ORDINANCE: ADD A-1 URBAN
AGRICULTURAL ZONE**

Indication was given that this matter was adequately discussed in Committee and approval is recommended.

On motion of Councilwoman Hurley, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, AMENDING ARTICLE V BY
ADDING SECTION 1600 CREATING THE A-1 URBAN AGRICULTURAL
ZONE AND AMENDING LANGUAGE IN ARTICLE V, SECTIONS 1202,
1203 AND 1209 RELATIVE TO THE ADDITION OF THE A-1 URBAN
AGRICULTURAL ZONE**

passed first reading.

DECLARE SURPLUS

On motion of Councilman Franklin, seconded by Councilman Pierce,
**A RESOLUTION THAT CERTAIN PROPERTY LOCATED ON CURTAIN POLE
ROAD (OFF AMNICOLA HIGHWAY) BE DECLARED SURPLUS**

was adopted.

DECLARE SURPLUS

On motion of Councilman Lively, seconded by Councilman Franklin,
A RESOLUTION THAT CERTAIN PROPERTY LOCATED ON CURTAIN POLE ROAD (OFF AMNICOLA HIGHWAY) BE DECLARED SURPLUS
was adopted.

DECLARE SURPLUS

Councilwoman Hurley clarified that this is not an active fire hall.

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,
A RESOLUTION THAT CERTAIN PROPERTIES KNOWN AS THE ST. ELMO FIRE STATION BE DECLARED SURPLUS
was adopted.

CONVEYANCE OF PROPERTY

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN PROPERTY PREVIOUSLY DECLARED SURPLUS LOCATED AT WHEELER AVENUE AND WILCOX BOULEVARD, TAX MAP NO. 136M-M-001, TO ALTON AND LENORA WILLIAMS FOR A CONSIDERATION OF THREE HUNDRED DOLLARS (\$300.00), RELATIVE TO THE WILCOX BOULEVARD IMPROVEMENT PROJECT
was adopted.

CONVEYANCE OF PROPERTY

On motion of Councilman Lively, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE CONVEYANCE OF A .346 ACRE STRIP OF LAND FROM THE THIRD STREET SIDE OF WARNER PARK TO THE STATE OF TENNESSEE, RELATIVE TO THE THIRD STREET VIADUCT – BRIDGE REPLACEMENT PROJECT, FOR A CONSIDERATION OF ONE HUNDRED TWENTY-SEVEN THOUSAND, TWO HUNDRED FIFTY DOLLARS (\$127,250.00)
was adopted.

CONVEYANCE OF PROPERTY

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE CONVEYANCE OF A .162 ACRE STRIP OF LAND ACROSS TH ESTREET FROM WARNER PARK, ADJACENT TO THE DRIVER TESTING CENTER, TO THE STATE OF TENNESSEE, RELATIVE TO THE THIRD STREET VIADUCT – BRIDGE REPLACEMENT PROJECT, FOR A CONSIDERATION OF TWENTY FOUR THOUSAND, FOUR HUNDRED DOLLARS (\$24,400.00)

was adopted.

CHANGE ORDER

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 3, CONTRACT NO. 28G, MOCCASIN BEND WASTEWATER TREATMENT PLANT, PLANT EXPANSION AND WET WEATHER TREATMENT, WITH 3D ENTERPRISES CONTRACTING CORPORATION, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FORTY-EIGHT THOUSAND, FOUR HUNDRED FORTY-THREE DOLLARS (\$48,443.00), FOR A REVISED CONTRACT TOTAL OF EIGHTEEN MILLION, NINE HUNDRED SEVENTY-ONE THOUSAND, THREE HUNDRED SEVENTY-THREE DOLLARS (\$18,971,373.00), AND INCREASES THE CONTRACT TIME FOR ITEM 9 BY ONE HUNDRED TWENTY (120) DAYS

was adopted.

EMINENT DOMAIN

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST CHATTANOOGA 153 LLC FOR A SEWER EASEMENT ON TRACT NO. 6, CONTRACT NO. 45B, SANITARY SEWER RELOCATION FOR WIDENING OF STATE ROUTE 153 FROM NORTH HICKORY VALLEY ROAD TO AMNICOLA HIGHWAY

was adopted.

OVERTIME

Overtime for the week ending November 10, 2000 totaled \$22,744.84.

PERSONNEL

The following personnel matters were reported for the Public Works Department:

RONALD T. SIMPSON – Suspension, Sanitation Worker, Citywide Services, effective October 31 – November 2, 2000.

BENNIE WARD – Suspension, Heavy Equipment Operator, Citywide Services, effective October 31 – November 2, 2000.

CHRISTOPHER DOSSETT -- Lateral Transfer, Crew Worker Senior, Citywide Services, Pay Grade 5/Step 5, \$21,370.00 annually, effective November 8, 2000.

JOHN D. WILBANKS – Resignation, Electrical Sign Inspector, Codes and Inspection, effective November 6, 2000.

PERSONNEL

The following personnel matters were reported for the Chattanooga Police Department:

JEFF CHAMBERS – Termination, Police Officer, effective November 7, 2000.

ELAINE H. TATE – Hire, Communications Officer, Pay Grade 11/Step 7, \$24,630.00 annually, effective November 17, 2000.

INEZ HAMPTON – Reinstatement, School Patrol Officer, \$24.16 daily rate, effective November 17, 2000.

FRANCES HARRIS – Resignation, Communications Officer, effective November 16, 2000.

BOARD APPOINTMENT

On motion of Councilwoman Hurley, seconded by Councilman Franklin, the following Board appointment was approved:

CHATTANOOGA-HAMILTON COUNTY HOSPITAL AUTHORITY BOARD OF TRUSTEES:

- ✍ Appointment of **BRUCE E. ADAMS** for a full term expiring November 1, 2004.

CONTRACT APPROVAL

City Attorney Nelson requested approval to enter into a contract for legal research material and services for \$1,735 per month. He stated the fee per month is presently \$100 for online services; that the purchase would provide for a wider range of resource materials. He stated the contract would allow for money savings and better service.

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford approval was given for the City Attorney to enter the contract at a cost of \$1,735 per month.

HIRING PRACTICES

Councilman Pierce stated that he raised the issue in last week's Council meeting regarding the hiring of two former police officers; that he now understands this is a trend that has gone on in the private sector, as well as the public (sector). He stated that he talked with the Chairman and other Council members and was satisfied with responses received and will not ask Personnel to research other cities regarding this matter. He stated in speaking with persons affiliated with larger businesses in town, the trend is when a person earns retirement status they can be requalified for other positions if that is their desire. He stated that he wanted to make his comments a matter of record; that he received a call from someone from the news media this morning wanting to know if the matter would be discussed at tonight's meeting. He indicated that he informed the news reporter that he would not raise the issue again as it is a "dead issue".

COMMITTEES

Councilwoman Rutherford asked if the update on stormwater would be discussed at next week's Public Works Committee meeting. Admin. Marcellis responded affirmatively.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, November 21, 2000 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

**(A LIST OF NAMES OF PERSONS IN ATTENDANCE IS
FILED WITH MINUTE MATERIAL OF THIS DATE)**